UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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CLARK STOECKLEY,

Plaintiff,

-v-

THE COUNTY OF NASSAU, Nassau County Police Detective Jr. EDWARD J. ROGAN (Shield No. 882), Nassau County Police Detective JEFF RAYMOND (Shield No. 673) and P.O. JOHN DOE's 1-4 (the names John Doe being fictitious, as the true names and shield numbers are not presently known), in their individual capacities,

Defendants.

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COMPLAINT AND DEMAND FOR A JURY TRIAL

Index No. 15-CV-514

Plaintiff CLARK STOECKLEY, through his attorney MARK C. TAYLOR of Rankin & Taylor, PLLC as and for his complaint, does hereby state and allege:

PRELIMINARY STATEMENT

1. This is a civil rights action brought to vindicate plaintiff's rights under the First, Fourth, and Fourteenth Amendments of the Constitution of the United States, through the Civil Rights Act of 1871, *as amended*, codified as 42 U.S.C. § 1983.
2. Plaintiff CLARK STOECKLEY's rights were violated when officers of the NASSAU COUNTY POLICE DEPARTMENT unconstitutionally and without any legal basis arrested him without probable cause and used unlawful force against him. By reason of defendants' actions, including their unreasonable and unlawful seizure of his person, he was deprived of his constitutional rights.
3. Plaintiff seeks an award of compensatory and punitive damages and attorneys' fees.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over federal claims pursuant to 28 U.S.C. §§ 1331, 1343(a)(3-4). This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988 for violations of the First, Fourth, and Fourteenth Amendments to the Constitution of the United States.
5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that plaintiff's claim arose in the Eastern District of New York.
6. An award of costs and attorneys' fees is authorized pursuant to 42 U.S.C. §1988.

PARTIES

7. Plaintiff CLARK STOECKLEY ("STOECKLEY") was at all times relevant to this action a resident of the County of Essex in the State of New Jersey.
8. Defendant COUNTY OF NASSAU ("COUNTY") is a municipal corporation created and authorized under the laws of the State of New York. It is authorized by law to maintain a police department, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. Defendant COUNTY assumes the risks incidental to the maintenance of a police force and the employment of police officers as said risks attach to the public consumers of the services provided by the NASSAU COUNTY POLICE DEPARTMENT.
9. Nassau County Police Detective Jr. EDWARD J. ROGAN (Shield No. 882), Nassau County Police Sergeant JEFF RAYMOND (Shield No. 673) and P.O. JOHN DOE's 1-4 are and were at all times relevant herein, officers, employees and agents of the NASSAU COUNTY POLICE DEPARTMENT.
10. The individual defendants are being sued herein in their individual capacities.
11. At all times relevant herein, the individual defendants were acting under color of state law in the course and scope of their duties and functions as agents, servants, employees and officers

of NASSAU COUNTY POLICE DEPARTMENT and otherwise performed and engaged in conduct incidental to the performance of their lawful functions in the course of their duties. They were acting for and on behalf of the NASSAU COUNTY POLICE DEPARTMENT at all times relevant herein, with the power and authority vested in them as officers, agents and employees of the NASSAU COUNTY POLICE DEPARTMENT and incidental to the lawful pursuit of their duties as officers, employees and agents of the NASSAU COUNTY POLICE DEPARTMENT.

12. The true name and shield number of defendants P.O. JOHN DOE's 1-4 are not currently known to the plaintiff.[1] However, P.O. JOHN DOE's 1-4 were employees or agents of the NASSAU COUNTY POLICE DEPARTMENT on the date of the incident. Accordingly, they are entitled to representation in this action by the Nassau County Department of Law ("Law Department") upon their request, pursuant to New York State General Municipal Law § 50-k. The Law Department, then, is hereby put on notice (a) that plaintiff intends to name said officers as defendants in an amended pleading once the true name and shield numbers of said defendants become known and (b) that the Law Department should immediately begin preparing their defense in this action.

STATEMENT OF FACTS

13. Mr. STOECKLEY was unlawfully arrested by Nassau County Police Detective Jr. EDWARD J. ROGAN, Nassau County Police Detective JEFF RAYMOND and P.O. JOHN DOE's 1-4 as he was distributing political literature on the sidewalk, near the intersection of California Avenue and Hempstead Turnpike, in front of the Presidential Debate taking place at Hofstra University on October 16, 2012.

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[1] By identifying said defendants as "John Doe" plaintiff is making no representations as to the gender of said defendants.

14. At approximately 8:30 p.m., Mr. STOECKLEY was standing on the sidewalk, distributing stickers and other materials regarding Chelsea Manning (then Bradley Manning), the whistleblower whose trial Mr. STOECKLEY was professionally illustrating at the time.

15. Two men, later identified as plainclothes Nassau County Police Detective Jr. EDWARD J. ROGAN and Nassau County Police Detective JEFF RAYMOND, requested stickers from Mr. STOECKLEY and discussed Manning's case with him.

16. Mr. STOECKLEY later observed ROGAN and RAYMOND later approached Mr. STOECKLEY and several of his friends and begin to film them.

17. Mr. STOECKLEY asked ROGAN and RAYMOND if they were officers and, without interfering with the Detectives, took pictures of them with his camera phone.

18. Immediately thereafter, Mr. STOECKLEY was accosted by four uniformed Nassau County Police Officers JOHN DOE's 1-4, who did so, upon information and belief, in retaliation for Mr. STOECKLEY's First Amendment protected actions of political speech and recording of law enforcement officers.

19. The officers took Mr. STOECKLEY across the street where ROGAN and RAYMOND appeared again. There he was told he would be issued a Desk Appearance Ticket and would be release later that night.

20. Officers took Mr. STOECKLEY to a trailer on the other side of campus where they searched and photographed him. His property, including his iphone, was also confiscated.

21. The photographs Mr. STOECKLEY had taken of ROGAN and RAYMOND were deleted from his phone while his phone was in the custody and control of the NASSAU COUNTY POLICE DEPARTMENT.

22. Thereafter, Mr. STOECKLEY was transported to a warehouse where officers again searched, photographed and fingerprinted Mr. STOECKLEY. During this process P.O. JOHN DOE questioned Mr. STOECKLEY about his political affiliation.

23. Subsequently, officers handcuffed and transported Mr. STOECKLEY to the Nassau Country Police Precinct and then to court where he was charged with New York Criminal Law §195.05 Obstruction of Governmental Administration.

24. This charge was based on the falsified evidence of P.O. RAYMOND.

25. Mr. STOECKLEY was held in custody by defendants for slightly less than 24 hours.

26. Mr. STOECKLEY's charges were subsequently resolved through an adjournment of contemplation of dismissal on November 21, 2012.

FIRST CLAIM FOR RELIEF
DEPRIVATION OF RIGHTS
UNDER THE UNITED STATES CONSTITUTION THROUGH 42 U.S.C. § 1983
(Against all Defendants)

27. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

28. Defendants, under color of state law, subjected the plaintiff to the foregoing acts and omissions, thereby depriving plaintiff of his rights, privileges and immunities secured by the First, Fourth, and Fourteenth Amendments to the United States Constitution, including, without limitation, deprivation of the following constitutional rights: (a) freedom from unreasonable seizure of his person; (b) freedom from arrest without probable cause; (c) freedom from false imprisonment; (d) freedom from the lodging of false charges against him by police officers; (e) freedom from having police officers fabricate evidence against him; and (f) freedom from retaliatory arrest (g) freedom from interference with activity protected by the First Amendment,

29. Defendants' deprivation of plaintiff's constitutional rights resulted in the injuries and damages set forth above.

SECOND CLAIM FOR RELIEF
LIABILITY OF THE CITY OF NEW YORK FOR CONSTITUTIONAL VIOLATIONS
(Against the County of Nassau)

30. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

31. At all times material to this complaint, defendant COUNTY OF NASSAU had de facto policies, practices, customs and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.

32. At all times material to this complaint, defendant COUNTY OF NASSAU failed to properly train, screen, supervise, or discipline its employees and police officers, including defendants P.O. ROGAN, RAYMOND, and P.O. DOEs 1-4, and failed to inform the individual defendant's supervisors of their need to train, screen, supervise or discipline the individual defendants.

33. The policies, practices, customs, and usages, and the failure to properly train, screen, supervise, or discipline, were a direct and proximate cause of the unconstitutional conduct alleged herein, causing injury and damage in violation of plaintiff's constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.

34. As a result of the foregoing, plaintiff was deprived of liberty, suffered emotional distress, humiliation, costs and expenses, and was otherwise damaged and injured.

JURY DEMAND

35. Plaintiff demands a trial by jury in this action on each and every one of his damage claims.

WHEREFORE, plaintiff demands judgment against the defendants individually and jointly and prays for relief as follows:

a. That he be compensated for violation of his constitutional rights, pain, suffering, mental anguish, and humiliation; and

b. That he be awarded punitive damages against the individual defendants; and

c. That he be compensated for attorneys' fees and the costs and disbursements of this action; and

d. For such other further and different relief as to the Court may seem just and proper.

Dated: New York, New York
January 23, 2015

Respectfully submitted,

By: ______________________

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